

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PALOMAR MEDICAL TECHNOLOGIES, INC. )  
and THE GENERAL HOSPITAL CORPORATION, )

Plaintiffs,

V.

Civil Action No. 05-10683-RWZ

CUTERA, INC.,

Defendant.

**JOINT MOTION REQUESTING ENTRY OF CONSENT JUDGMENT**

Plaintiffs Palomar Medical Technologies, Inc. and the General Hospital Corporation (collectively, “Plaintiffs”) and defendant Cutera, Inc. (“Cutera”) respectfully request that the Court enter the Consent Judgment attached hereto as Exhibit A.

As grounds for this Motion, the parties state as follows:

1. On June 2, 2006, the parties executed a Settlement Agreement resolving all remaining issues in the above-captioned litigation;

2. Pursuant to Paragraph Two of the Settlement Agreement, the parties are to execute and file with the Court for entry the Consent Judgment attached hereto as Exhibit A.

WHEREFORE, the parties respectfully request that the Court enter the attached Consent Judgment.

Respectfully submitted,

PALOMAR MEDICAL TECHNOLOGIES,  
INC. and THE GENERAL HOSPITAL  
CORPORATION

By their attorneys,

/s/ Kate Saxton  
Wayne L. Stoner (BBO #548015)  
Vinita Ferrera (BBO #631190)  
Kate Saxton (BBO #655903)  
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Boston, Massachusetts 02109  
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CUTERA, INC.

By its attorneys,

/s/ Patrick J. O'Toole, Jr.  
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767 Fifth Avenue  
New York, New York 10153  
Tel.: (212) 310-8000  
Fax.: (212) 310-8007

Dated: June 6, 2006

CERTIFICATE OF SERVICE

I, Kate Saxton, certify that on June 6, 2006, I caused a copy of the foregoing document to be sent by facsimile and Federal Express to counsel for the Defendant, Timothy DeMasi, Esq., Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153-0119.

/s/ Kate Saxton  
Kate Saxton

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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**PALOMAR MEDICAL TECHNOLOGIES, INC.,  
and THE GENERAL HOSPITAL  
CORPORATION,**

**Plaintiffs,**

**v.**

**CUTERA, INC.,**

**Defendant.**

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**CONSENT JUDGMENT**

The parties having considered the facts and applicable law and having agreed to the entry of this Judgment, it is therefore found, adjudged, and decreed as follows:

1. This Court has jurisdiction over the parties and the subject matter pursuant to 28 U.S.C. § 1338.
2. Plaintiff The General Hospital Corporation (“MGH”) is the owner of U.S. Patent Nos. 5,595,568 (“the ‘568 patent”) and 5,735,844 (“the ‘844 patent”), and plaintiff Palomar Medical Technologies, Inc. (“Palomar”) is the exclusive licensee of the ‘568 patent and the ‘844 patent.
3. The defendant, Cutera, Inc., formerly known as Altus Medical, Inc. (“Cutera”), has infringed (directly and by inducement) the ‘568 and ‘844 patents by its manufacture, offer for sale, sale, and/or use of Cutera’s “Solera platform” and “Xeo platform” with the “ProWave 770” handpiece for hair removal (the “Solera/Xeo ProWave Combination Products”).

4. The '568 and '844 patents are valid and enforceable as to the Solera/Xeo ProWave Combination Products.

5. This Judgment shall finally conclude and dispose of all claims and counterclaims in this lawsuit of all parties with prejudice.

6. The parties shall bear their own costs of this action, and all rights of appeal are waived. Neither party is entitled to collect from the other attorneys' fees except as expressly set forth in Section 3(a)(i) of that certain Settlement Agreement by and between the parties dated June 2, 2006.

7. This Court retains exclusive jurisdiction of this action for the purpose of insuring compliance with this Judgment; provided that, in no event shall this Judgment be used in this Court or any other court as a basis for injunctive or other equitable relief with respect to the Solera/Xeo ProWave Combination Products.

Dated: \_\_\_\_\_, 2006

\_\_\_\_\_  
Rya W. Zobel  
UNITED STATES DISTRICT JUDGE

The parties hereby stipulate and agree to entry of the foregoing judgment as a final judgment in this action.

PALOMAR MEDICAL TECHNOLOGIES,  
INC. and THE GENERAL HOSPITAL  
CORPORATION

CUTERA, INC.

By their attorneys,

By its attorneys,

/s/ Kate Saxton  
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/s/ Kate Saxton  
Kate Saxton